



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pat nt Examining Op rations

1614
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TECH CENTER 1600/2900

Applicant(s): Burnside, et al.

Serial No: 10/027,349

Art Unit: 1614

Filed: December 28, 2001

Examiner: Unassigned

Title: Sustained Release Pharmaceutical Dosage Forms with Minimized PH
Dependent Dissolution Profiles

Docket No.: 550750-200

Customer No.: 27162

TRANSMITTAL LETTER

Commissioner for Patents and Trademarks
Washington, D.C. 20231

COPY OF PAPERS
ORIGINALLY FILED

SIR:

Enclosed please find the following:

1. Information Disclosure Statement;
2. PTO-1449 Form with copies of references cited;
3. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit **Account No. 03-0678**.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents and Trademarks
Washington, D.C. 20231

Elliot M. Olstein
Elliot M. Olstein, Esq.

Date

Respectfully submitted,

Elliot M. Olstein

Elliot M. Olstein, Esq.

Reg. No. 24,025

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/290C

APPLICATION OF: Burnside, et al
SERIAL NO: 10/027,349 GROUP ART UNIT: 1614
FILED: December 28, 2001 EXAMINER: Unassigned
CUSTOMER NO.: 27162
FOR: Sustained Release Pharmaceutical Dosage Forms with
Minimized PH Dependent Dissolution Profiles
ATTY/DKT NO.: 550750-200

Commissioner of Patents and Trademarks
Washington, DC 20231

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

 X §1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits.
No fee or statement is required.

 §1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

- The statement as specified in 37 CFR §1.97(e) set out below; OR
- The fee of \$180.00 under 37 CFR §1.17(p).

Serial No:
Filed:

___§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311;

BUT filed on or before payment of the Issue Fee; AND
is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND
- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,
- (3) The petition fee of \$180.00 set out in 37 CFR §1.17(i).

___§1.97(e) The undersigned Attorney hereby states that:

___ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;

or

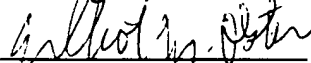
___ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE

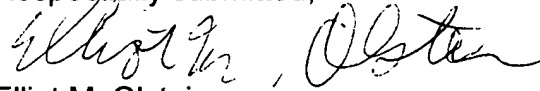
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Washington, DC 20231


Elliot M. Olstein


Date

Respectfully submitted,



Elliot M. Olstein

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